



1K Doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Odet et al.
Appl. No. : 10/508,911
Filed : September 23, 2004
Title : SEALING DEVICE RECEPTACLE FITTED WITH ONE SUCH
DEVICE AND METHOD FOR THE PRODUCTION

Grp./A.U. : 3781
Examiner : Hylton, R.

Docket No.: 14808NP

Director of Technology Center 3700
Alexandria, VA 22313-1450

REQUEST RECONSIDERATION OF FINALITY OF OFFICE ACTION
37 C.F.R. 1.181

Director:

In response to a final Office action mailed December 14,
2007, the following is submitted:

Remarks/Arguments begin on page 2 of this response.

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Remarks/Arguments

The Examiner has issued a final Office action for the above-referenced application. In response, pursuant to 37 C.F.R. § 1.181, the Applicant respectfully asserts that the finality of the Office action is premature. Namely, the finality of the Office action is improper because the rejection is based on a newly cited reference and introduces new grounds of rejection. Thus, for the reasons discussed in detail below, the Applicant hereby petitions the Director of the U.S. Patent & Trademark Office, who has delegated authority to Technology Center Directors, to vacate the finality of the Office action.

In the final Office action, the Examiner is rejecting claims 1-3, 5, 11-13, 15, 17, and 19 and 20 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hemple et al. (US patent no. 4,678,753). The Hemple reference has not yet been made of record until the final Office action, as indicated by the Notice of References Cited (PTO-892) included with the Office action. Further, the Examiner points out that the Applicant's prior arguments were considered but "are now moot in view of the new ground(s) of

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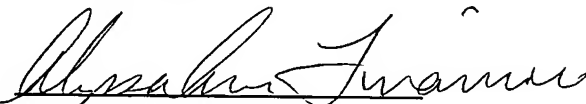
rejection." Since the rejections of the claims based on the newly cited Hemple reference raises "new ground(s) of rejection," the finality of this action is premature. Thus, withdrawal of the finality of this action is respectfully requested.

Since this petition is made pursuant to 37 C.F.R. § 1.181, it is believed that no fees are due at this time. However, any applicable fees may be charged to deposit account 04-1577.

Should the Director of Technology Center 3700 have any questions regarding this petition, it would be appreciated if the Director would contact the undersigned attorney of record at the telephone number provided below for purposes of facilitating prosecution of this application.

Respectfully submitted,

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By 
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Date: March 14, 2008

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